

MANATT, PHELPS & PHILLIPS, LLP  
ROBERT H. PLATT (Bar No. 108533)  
Email: rplatt@manatt.com  
JOSEPH E. LASKA (Bar No. 221055)  
Email: jlaska@manatt.com  
11355 West Olympic Boulevard  
Los Angeles, California 90064-1614  
Telephone: (310) 312-4000  
Facsimile: (310) 312-4224

*Attorneys for Defendant*  
AMERICAN MULTI-CINEMA, INC.

KARASIK LAW FIRM  
GREGORY N. KARASIK (Bar No. 115834)  
Email: [greg@karasiklawfirm.com](mailto:greg@karasiklawfirm.com)  
11835 West Olympic Boulevard, Ste. 1275  
Los Angeles, California 90064  
Telephone: (310) 312-6800  
Facsimile: (310) 943-2582

SPIRO MOORE LLP  
IRA SPIRO (Bar No. 67641)  
Email: [ira@spiromoore.com](mailto:ira@spiromoore.com)  
11377 West Olympic Boulevard, Fifth Floor  
Los Angeles, California 90064  
Telephone: (310) 235-2468  
Facsimile: (310) 235-2456

*Attorneys for Plaintiff*  
**MICHAEL BATEMAN**

**UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

MICHAEL BATEMAN, individually  
and on behalf of all others similarly  
situated.

Case No. CV07-00171 JFW (AJWx)

Hon. John F. Walter

FILED AS CLASS ACTION

## JOINT STATUS REPORT

Action filed: January 9, 2007

AMERICAN MULTI-CINEMA, INC.;  
and DOES 1 through 10, inclusive,

### Defendants.

1 Plaintiff Michael Bateman, individually and on behalf of all others similarly  
 2 situated (“Bateman”), and Defendant American Multi-Cinema, Inc. (“AMC”),  
 3 respectfully submit this joint status report as required by the Court’s March 7, 2013  
 4 order. (Dkt. No. 134.)

## 5 BRIEF PROCEDURAL HISTORY

6 On January 9, 2007, Bateman filed this putative class action against AMC  
 7 alleging violations of the Fair and Accurate Credit Transactions Act (“FACTA”),  
 8 15 U.S.C. § 1681c(g).

9 On October 24, 2008, the Court (then Cooper, J.) denied Bateman’s motion  
 10 for class certification. (Dkt. No. 54.)

11 Bateman petitioned the Ninth Circuit for permission to appeal the order  
 12 denying class certification. (Case No. 09-55108.) The petition was granted, and the  
 13 appeal was briefed and heard. On September 27, 2010, the Ninth Circuit reversed  
 14 the order denying class certification and remanded the action to this Court. *See*  
 15 *Bateman v. AMC*, 623 F.3d 708, 724 (9th Cir. 2010).

16 AMC petitioned the Ninth Circuit for panel rehearing or, alternatively,  
 17 rehearing en banc. While AMC’s petition was pending, the parties reached a  
 18 classwide settlement. (Dkt. No. 70.) At the parties’ request, the Ninth Circuit  
 19 remanded the case to this Court for the limited purpose of evaluating the parties’  
 20 settlement. (Dkt. No. 75.)

21 On October 11, 2011, the Court (then Nguyen, J.) granted final approval of  
 22 the parties’ settlement. (Dkt. No. 112.) In doing so, it overruled the objection of the  
 23 sole objector to the settlement, Cassie Grimes Hampe. (*Id.*)

24 Also on October 11, 2011, the Court granted in part and denied in part class  
 25 counsel’s motion for attorneys’ fees and costs. (Dkt. No. 114.)

26 Class counsel appealed the fee order to the Ninth Circuit. (Dkt. No. 115;  
 27 Case No. 11-56970.) The fee appeal has been fully briefed. Oral argument has not  
 28 yet been scheduled.

In the meantime, the objector, Ms. Hampe, appealed both the order granting final approval of the settlement and the fee order. (Dkt. No. 117; Case No. 11-57027.) Her appeal was voluntarily dismissed in its entirety on December 5, 2012. (Dkt. No. 128.) Upon the dismissal of the objector's appeal, the parties' settlement became final.

6 The parties filed a joint status report with the Ninth Circuit advising that,  
7 because the settlement had become final, AMC's pending petition for rehearing of  
8 the Ninth Circuit's opinion on class certification was moot. In response, the Ninth  
9 Circuit dismissed AMC's petition as moot. (Dkt. No. 129.) The Ninth Circuit  
10 subsequently issued its mandate reversing the order on class certification and  
11 remanding to this Court. (Dkt. No. 130.)

## CURRENT STATUS

At this point, the only unresolved issue is class counsel's appeal of the Court's fee order, which is pending before the Ninth Circuit. If the fee order is reversed and remanded, then class counsel's fee request would return to this Court for redetermination. Because oral argument has not yet been set, the parties respectfully request that the Court order another joint status report to be filed in six months.

Dated: March 13, 2013

MANATT, PHELPS & PHILLIPS, LLP

21 By: /s/ Joseph E. Laska  
22 Joseph E. Laska  
23 *Attorneys for Defendant*  
AMERICAN MULTI-CINEMA, INC.

24 Dated: March 13, 2013

KARASIK LAW FIRM

26 By: /s/ Gregory N. Karasik  
27 Gregory N. Karasik  
*Attorneys for Plaintiff*  
MICHAEL BATEMAN